

## **IC 12-10-11.5**

### **Chapter 11.5. Long Term Care Services**

## **IC 12-10-11.5-1**

### **"Institution"**

Sec. 1. As used in this chapter, "institution" means any of the following:

- (1) A health facility licensed under IC 16-28.
- (2) An intermediate care facility for the mentally retarded.

*As added by P.L.274-2003, SEC.5.*

## **IC 12-10-11.5-2**

### **Subjectivity; responsibility of ensuring costs**

Sec. 2. (a) This chapter is subject to funding available to the office of the secretary of family and social services.

(b) The secretary and the director of the state budget agency are responsible for ensuring that the cost of the services provided under this chapter does not exceed the total amount of funding, including state and federal funds, that is made available by the budget agency for the program established under this chapter to provide long term care, including home and community based services.

*As added by P.L.274-2003, SEC.5.*

## **IC 12-10-11.5-3**

### **Subjectivity; responsibility of ensuring costs**

Sec. 3. The office of the secretary of family and social services shall establish a comprehensive program of home and community based long term care services to provide eligible individuals with care that is not more costly than services provided to similarly situated individuals who reside in institutions.

*As added by P.L.274-2003, SEC.5.*

## **IC 12-10-11.5-4**

### **Establishment of home and community based long term care services**

Sec. 4. An individual who has resided in the state for at least ninety (90) days shall be eligible for the home and community based long term care services program if the individual:

- (1) participates in, or has been determined to be eligible for, the community and home options to institutional care for the elderly and disabled program established by IC 12-10-10-6; or
- (2) meets the following requirements, which must meet the general eligibility standards for an individual receiving services under a home and community based Medicaid waiver:

(A) Has an income of not more than three hundred percent (300%) of the federal Supplemental Security Income level.

(B) Is unable to perform at least three (3) activities of daily living determined by an assessment conducted by an area agency on aging case manager or any other agency the state has contracted with to perform assessments.

(C) Is at risk of being placed in an institution or is currently residing in an institution and has been determined to be eligible for services under IC 12-10-10 or under a home and community based Medicaid waiver.

*As added by P.L.274-2003, SEC.5.*

#### **IC 12-10-11.5-5**

##### **Eligibility**

Sec. 5. The state shall provide access to the following long term care services that are appropriate and needed for an individual who is eligible for these services under this chapter:

- (1) Any home and community based service that is available through:
  - (A) the community and home options to institutional care for the elderly and disabled program; or
  - (B) any state Medicaid waiver.
- (2) Personal care services.
- (3) Self-directed care.
- (4) Assisted living.
- (5) Adult foster care.
- (6) Adult day care services.
- (7) The provision of durable medical equipment or devices.
- (8) Housing modifications.
- (9) Adaptive medical equipment and devices.
- (10) Adaptive nonmedical equipment and devices.
- (11) Any other service that is necessary to maintain an individual in a home and community based setting.

*As added by P.L.274-2003, SEC.5.*

#### **IC 12-10-11.5-6**

##### **Access to services**

Sec. 6. (a) The office of the secretary of family and social services shall annually determine any state savings generated by home and community based services under this chapter by reducing the use of institutional care.

(b) The secretary shall annually report to the governor, the budget agency, the budget committee, the select commission on Medicaid oversight, and the executive director of the legislative services agency the savings determined under subsection (a).

(c) Savings determined under subsection (a) may be used to fund the state's share of additional home and community based Medicaid waiver slots.

*As added by P.L.274-2003, SEC.5.*

#### **IC 12-10-11.5-7**

##### **Use of volunteers**

Sec. 7. When possible, the office of the secretary of family and social services shall make use of volunteers and volunteer groups, including faith based groups, when executing its duties under this chapter.

*As added by P.L.274-2003, SEC.5.*